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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,269	02/13/2002	Hiroki Konaka	401571	6817
23548 7590 11/28/2007 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER KUMAR, SRILAKSHMI K	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/073,269

Applicant(s)

KONAKA ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 3-12 is/are allowed.
- 6) ☒ Claim(s) 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following office action is in response to the amendment filed on March 28, 2007. Claims 1, 3-16 are pending. Claims 1, 6, 10 and 12 have been amended. Claims 13-16 are newly added.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldfield et al (EP 0622729 A2) in view of Love (EP 0262759 A1).

As to independent claim 13, Oldfield et al teach a user interface apparatus (page 2, lines 11-12) comprising; input means (keyboard 26 and mouse 34) for receiving information from an input device (page 6, lines 3-8); display means (display 28) for displaying a user interface of a design subject apparatus on a display device (display, page 4, lines 1-21); elementary display part storing means (working memory area, page 6, lines 47-56) for storing elementary display

parts designed previously as a part to be displayed at the user interface of the design subject apparatus (page 6, lines 47-56); composite display part storing means (page 6, lines 47-56) for storing composite display parts, wherein each composite display part defines dispositions of the elementary display part and another composite display part which are displayed in each of states of the composite display part (page 4, lines 1-21 and page 6, lines 9-20); and simulation means for simulating size, position, external appearance, and behavior of the composite display stored in the composite display part storing means, based on the information received from said input means, to display the user interface at the display device (page 12, line 19-page16, line 4, and page 16, line 23-29, where the different behaviors are simulated in the interface editor active interface window - test mode), wherein the composite display part has an event handler (shown by the interface server for handling different queries, page 4, lines 13-21);

Oldfield et al do not teach different states and where the composite display part event handler makes a transition between the states and performing a process based on the states and the information received from said input means in each of the states of the composite display part. Love teaches a graphical user interface designing apparatus (main control program of Fig. 5) for adding/deleting states (shown in col. 9, lines 34-55, where models are formed as shown by Fig. 2 and 3, and col. 10, teaches transitions between the states and performing a process based on the states and the information received from said input means in each of the states of the composite display part and adds new states or models). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the plurality of states as taught by Love into the user interface designing apparatus of Oldfield et al as the different states enables easy modification of the interfaces and displays (abstract of Love).

Oldfield et al teach said composite display part storing means (page 6, lines 47-56) stores the composite display part made by hierarchically combining the elementary display part and another composite display (page 4, lines 1-21, page 6, lines 47-56) to be displayed in each of the states of the composite display part (states are shown by Love, as above), and said simulation means for, when the composite display part stored has the elementary display part to be displayed, displaying the elementary display part, and, when the composite display part stored has the other composite display part to be displayed, for repeating processes with respect to the other composite display part to simulate the size, positions, the external appearance, and the behavior of the composite display part stored (page 12, line 19-page16, line 4, and page 16, line 23-29, where the different behaviors are simulated in the interface editor active interface window - test mode).

As to dependent claim 14, limitations of claim 13, and further comprising, Oldfield et al as modified by Love teach wherein the elementary display part stored in said elementary display part storing means and the composite display part stored in said composite display part storing means have properties which corresponds to the size, the position the external appearance, and the behavior of the elementary display part and the composite display part (page 12, line 19-page 16, line 4, different properties are taught and stored); the composite display part stored in said composite display part storing means includes the composite display part having the properties of the elementary display part and the composite display part added in each of the states of the composite display part, and the composite display part has the properties correspondence to the behavior of the composite display part (page 12, line 19-page16, line 4, different properties are taught and stored; Love teaches different states as shown in the rejection of claim 13, above).

As to dependent claim 15, limitations of claim 14, and further comprising, Oldfield et al as modified by Love teach wherein the properties of the elementary display part and the composite display part are described by referring to the properties of another elementary display part and another composite display art (page 12, line 19-page16, line 4, different properties of different display parts are taught); and when the properties of the elementary display part and/or composite display part refer to the properties of another elementary display part and/or another composite display part, said simulation means refers to the properties of another elementary display part and/or the another composite display part (page 12, line 19-page16, line 4, and page 16, line 23-29, where the different behaviors are simulated in the interface editor active interface window - test mode).

As to independent claim 16, see limitations set forth in claims 13-15 above, further Oldfield teaches a computer readable medium encoded with a computer program for a user interface apparatus stored in a recordable medium and for controlling a computer (page 2, line 55-page 3, line 9).

***Allowable Subject Matter***

4. Claims 1, 3-12 are allowed.
5. The following is an examiner's statement of reasons for allowance:

With respect to independent claim 1, the prior art of record does not teach a user interface designing apparatus comprising event handling editing means for *editing event handling* for a state transition in each of the states of the composite display part. The prior art of record, Oldfield, relies on the application, not the user interface for event handling, and further, Oldfield does not edit event handling.

With respect to dependent claims 3-12, they are allowed as they depend upon an allowed base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

***Response to Arguments***

6. Applicant's arguments filed September 17, 2007 have been fully considered but they are not persuasive.

With respect to applicant's arguments in regards to claims 1, 3-12, applicant argues where the prior art Oldfield in combination with Love does not teach an event handling editing means for editing event handling. Examiner, agrees. Therefore, the rejections of claims 1, 3-12 have been withdrawn.

As claim 16 has been amended, the 35 USC 101 rejection for non-statutory subject matter has been withdrawn.

With respect to applicant's request for clarification of whether claims 13-15 have been treated in accordance with 35 USC 112, 6<sup>th</sup> paragraph as stated in MPEP 2181, as previously stated, the claims are treated in accordance with MPEP 2181 as a means plus function claims in compliance with 35 USC 112, 6<sup>th</sup> paragraph.

With respect to applicant's arguments in regards to the combination of Oldfield and Love, applicant argues where incorporating the system of Love into Oldfield would increase the complexity and would not render a functional system. Examiner, respectfully, disagrees. The

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prior art of Love as it pertains to claims 13-16, teaches the limitations of enabling a plurality of states. Including the plurality of states as described by Love enables operation in two distinct phases, where the first phase involves the construction by interactive graphical techniques with specific variables to be used with the models, and a second phase which teaches simulation of the interface. With the combination of Love into Oldfield, these multiple states enable the user to determine proper modification of the interface design with simplicity as stated in the abstract of Love.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Please see above for the reasoning for combination of the prior art.

Therefore, the combination of Oldfield and Love teach the claimed limitations of claims 13-16. Thus, the rejection is maintained and made FINAL.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Srilakshmi K Kumar  
Examiner  
Art Unit 2629

SKK  
November 19, 2007

  
SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER